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In re Application of	:	
Yamasaki et al.	:	DECISION ON
Application No.: 09/869,101	:	
PCT No.: PCT/JP99/07222	:	REQUEST UNDER
Int. Filing Date: 22 December 1999	:	
Priority Date: 24 December 1998	:	37 CFR 1.42
Attorney's Docket No.:06501-082001	:	
For: BENZIMIDAZOLE DERIVATIVES	:	

This is a decision on the Renewed Request under 37 CFR 1.42 which was filed 29 August 2002.

BACKGROUND

On 22 December 1999, applicants filed international application PCT/JP99/07222, which claimed priority of an earlier Japanese application filed 24 December 1998. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 06 July 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 09 June 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 24 June 2001.

On 22 June 2001, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and a preliminary amendment.

On 06 September 2001, the United States Patent and Trademark Office in its capacity as an Elected Office mailed the "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED ELECTED OFFICE (DO TO US)". The USPTO DO TO US 005-11-11-01.

On 06 December 2001, applicants filed an executed declaration for inventors Yamasaki, Imoto, Hiramura, Kawauchi, Kayakiri, Sawada, Abe, Hamashima, Ishibashi and Setoi. Applicants also included a second declaration executed by Noriko Uku, Chikako Oku and Tomohito Oku as representatives of Teruo Oku.

On 30 May 2002, applicants' request under 37 CFR 1.42 was dismissed for failure to properly identify the citizenship, residence and mailing address of both the legal representatives and the deceased inventor.

On 29 August 2002, applicants submitted the current response which included a declaration that indicates the citizenship, residence and mailing address of both the legal representatives and the deceased inventor. Applicant also submitted a request for a one-month extension of time along with the proper fee.

DISCUSSION


Applicants submitted a declaration that indicates the citizenship, residence and mailing address of both the legal representatives and the deceased inventor. Further, applicants previously submitted declarations signed by both the applicants and the legal representatives of the deceased applicant. Accordingly, the declarations are now acceptable under 37 CFR 1.497.

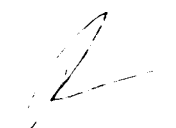
It is noted that on 17 January 2003, applicants submitted a communication that indicates that inventor Yamasaki's name was misspelled on the WIPO publication. This error has been corrected on the declaration.

CONCLUSION

Applicants' request under 37 CFR 1.42 is **GRANTED**.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision; and, if appropriate, a Notification of Acceptance of Application (Form PCT/DO/EO/903) will be mailed showing a 35 U.S.C. 371 date of 29 August 2002.


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PCT Legal Office


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DSB:BM:dsb